

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

*ALIAS* SUMMONS IN A CIVIL CASE

CRESTVIEW CAPITAL MASTER, LLP.

V.

DUANE MARTIN, an individual, MARC FRY, an individual; JOHN LEVY, an individual, and UNIVERSAL FOOD & BEVERAGE COMPANY, INC., a Nevada Corporation.

CASE NUMBER: 08 cv 3263

ASSIGNED JUDGE: Kocoras

DESIGNATED  
MAGISTRATE JUDGE: Cole

TO: (Name and address of Defendant)

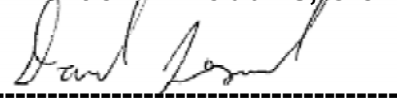
Mark Fry  
249 E. Legacy Dr.  
Tracy, California 95391-1017

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Robert E. Williams  
Touhy, Touhy, Buehler & Williams, LLP  
55 West Wacker Drive, 14th Floor  
Chicago, Illinois 60601

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Michael W. Dobbins, Clerk



(By) DEPUTY CLERK

July 1, 2008

Date



AO 440 (Rev. 05/00) Summons in a Civil Action

**RETURN OF SERVICE**

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE
NAME OF SERVER ( <i>PRINT</i> )	TITLE

*Check one box below to indicate appropriate method of service*

☐ Served personally upon the defendant. Place where served: \_\_\_\_\_

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: \_\_\_\_\_

☐ Returned unexecuted: \_\_\_\_\_

☐ Other (specify): \_\_\_\_\_

**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL
--------	----------	-------

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_  
Date

\_\_\_\_\_  
*Signature of Server*

\_\_\_\_\_  
*Address of Server*

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

CRESTVIEW CAPITAL MASTER, LLP

Plaintiff

-vs-

DUANE MARTIN, an individual, MARC  
FRY, an individual, JOHN LEVY, an  
individual and UNIVERSAL FOOD &  
BEVERAGE COMPANY, INC., a  
Nevada Corporation

Defendant )

08 cv 3263

RETURN OF SUBSTITUTE SERVICE

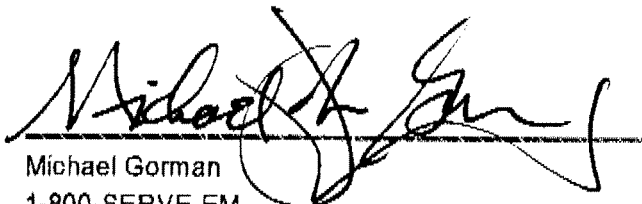
Alias Summons in a Civil Case, Complaint and  
Exhibit A

Received by 1-800-SERVE-EM on July 7, 2008 at 11:35 AM to be served on Duane Martin, 38W535  
Bittersweet Lane Elgin, IL 60124.

I, Michael Gorman, who being duly sworn, depose and say that on July 30, 2008 at 4:18 PM, I:

Served Duane Martin by delivering a true copy of the Alias Summons in a Civil Case, Complaint and  
Exhibit A with the date and hour of service endorsed thereon by me, at Duane Martin's usual place of  
abode, 909 East Lockwood Road Port Clinton, OH 43452, to a person residing therein, who is of the  
suitable age and discretion, to wit: Duane Martin's son who indicated that he is over 18 and refused to give  
his name, informing said person of the contents thereof.

I am over the age of 18, have no interest in the above action, and am authorized to serve process in the  
county in which the process was served.



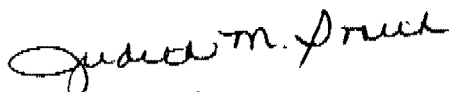
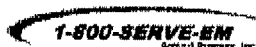
Michael Gorman

1-800-SERVE-EM

800.737.8336

Job Serial Number: 2008313633

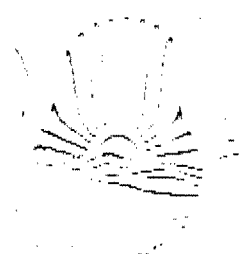
Reference: 08 cv 3263



Judith M. Smith  
Notary Public  
State of Ohio

My Commission Expires:

Jan. 4, 2012



**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**CRESTVIEW CAPITAL MASTER, LLP,  
MIDSUMMER INVESTMENT, LTD.,  
KUAI PARTNERS, L.P., on behalf of  
Themselves and all others similarly  
situated,**

**Plaintiffs,**

**v.**

**DUANE MARTIN, an individual; MARC  
FRY, an individual; JOHN LEVY, an  
individual, and UNIVERSAL FOOD &  
BEVERAGE COMPANY, INC., a Nevada  
corporation,**

**Defendants.**

**Case No. 08 cv 3263**

**Judge Kocoras**

**Magistrate Judge Cole**

**NOTICE OF FILING**

TO: Douglas A. Albritton  
Kellye L. Fabian  
David L. TerMolen  
Matthew J. Kramer  
FREEBORN & PETERS, LLP  
311 S. Wacker Drive, Suite 3000  
Chicago, Illinois 60601

PLEASE TAKE NOTICE that on August 4, 2008, I shall file with the clerk of the U.S. District Court for the Northern District of Illinois at the Dirksen Federal Court Building, 219 South Dearborn Street, Chicago, Illinois and the attached the attached **PROOF OF SERVICE OF SUMMONS (DUANE MARTIN)**, a copy of which is attached hereto and served upon you.

/s/Robert E. Williams  
Robert E. Williams  
One of the Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

I, the undersigned, certify that a copy of the foregoing **PROOF OF SERVICE OF SUMMONS (DUANE MARTIN)** was served on the following individuals, via electronic mail and/or ordinary U.S. mail, postage prepaid, this 4<sup>th</sup> day of August, 2008.

Douglas A. Albritton  
Kellye L. Fabian  
David L. TerMolen  
Matthew J. Kramer  
FREEBORN & PETERS, LLP  
311 S. Wacker Drive, Suite 3000  
Chicago, Illinois 60601

/s/Robert E. Williams  
Robert E. Williams  
One of the Attorneys for Plaintiffs

Robert E. Williams  
TOUHY, TOUHY, BUEHLER & WILLIAMS, LLP  
55 West Wacker Drive, 14<sup>th</sup> Floor  
Chicago, Illinois 60601  
(312) 372-2209  
(312) 456-3838 facsimile